



**OTTAWA POLICE SERVICES BOARD
COMMISSION DE SERVICES POLICIERS D'OTTAWA**

**REPORT
RAPPORT**

DATE 26 October 2015

TO/DEST. Executive Director, Ottawa Police Services Board

FROM/EXP. Board Solicitor

SUBJECT/OBJET **LEGAL SERVICES STATUS REPORT: THIRD QUARTER 2015**

RECOMMENDATION

That the Ottawa Police Services Board receive this report for information.

BACKGROUND

The City Clerk and Solicitor Department is a full-service, in-house law practice that provides a broad range of services to the Police Services Board in the areas of civil litigation, labour and employment law, procedural and general legal advice, corporate/commercial/development and environmental law. The Department's objective is to achieve this through the most cost-effective and efficient combination of both in-house and external lawyers. In this latter regard, the Department has a Strategic Standing Offer (SSO) with three law firms for the provision of external legal services. The new SSO was negotiated for the period 2015-2018 and provides for very favourable, blended hourly rates set for the duration of the four-year term.

Pursuant to Section 6.1 of Board Policy #GA-8 – Legal Services, the Board Solicitor shall submit a report to the Board on a quarterly basis that includes statistical information and concise analysis of trends on:

1. positive and negative variances against the approved budget;
2. all claims or actions filed against the Board including how many have been filed, how many are outstanding, how many have been settled, the nature of them (categorized by type), and the cost of settlements;
3. the number, cost and outcome of all appeals and applications for judicial review;
4. any issues of significance the Board should be advised of.

In compliance with Section 6.1, this report provides the requested information with respect to the third quarter of 2015.

DISCUSSION

2015 Budget

The Police Services Board has allocated \$328,100 for the provision of legal services in 2015. At the completion of the third quarter \$294,996 or approximately 90% of the

Ottawa Police Service 2015 Third Quarter Costs of Legal Services				
Item	Q1	Q2	Q3	Q4
Internal Costs	\$ 87,840	\$ 63,410	\$ 62,845	
External Costs	\$ 19,328	\$ 8,240	\$ 42,866	
Disbursements	\$ 2,373	\$ 6,824	\$ 1,270	
Total, Quarter	\$109,541	\$ 78,474	\$106,981	
Total, YTD	\$109,541	\$188,015	\$294,996	

budget was spent. The adjacent chart sets out expenditures for the entire year to date (rounded out for space purposes). The costs reflect the significant staff time devoted to representing the Board, both at trial as well as at mediations, discoveries and settlement conferences.

2015 Litigation Claims

Seven Statements of Claim were received on behalf of the Police Services Board in the third quarter of 2015. Currently there are 64 outstanding claims/notices of claim against the Board. Four of those claims are with external legal counsel as directed by the Board's insurer or due to the requirement for a specialized legal expertise. The remaining 60 claims are assigned to various in-house Legal Counsel. The adjacent list sets out the number of current litigated claims by category or type. Beginning in Q1 2013,

Type of Claim	Number
Breach of Charter Rights	1
Employment/Labour	2
Error and Omission	1
Excessive Force/Assault	13
False Arrest	13
Malicious Prosecution	4
Motor Vehicle Accident	4
Negligence/Negligent Investigation	13
Personal Injury	10
Property Damage	1
Seizure of Personal Property	1
Vehicle/Property Damage	1

Legal Services started including motor vehicle accident claims involving police vehicles within its quarterly report to the Police Services Board. Though the City of Ottawa, as registered owner of those vehicles, is frequently named or included as a party in those claims, in keeping with the accident insurance scheme in Ontario, the inclusion of motor vehicle accident claims within the quarterly reports will provide a more accurate summary of all outstanding litigation affecting the Board.

2015 Non-Litigated Claims

During the third quarter of 2015, fifteen new claims were received by the Claims Unit. Of these claims, one was denied and closed, three were paid and closed, seven remain open, and four are open and have become litigation.

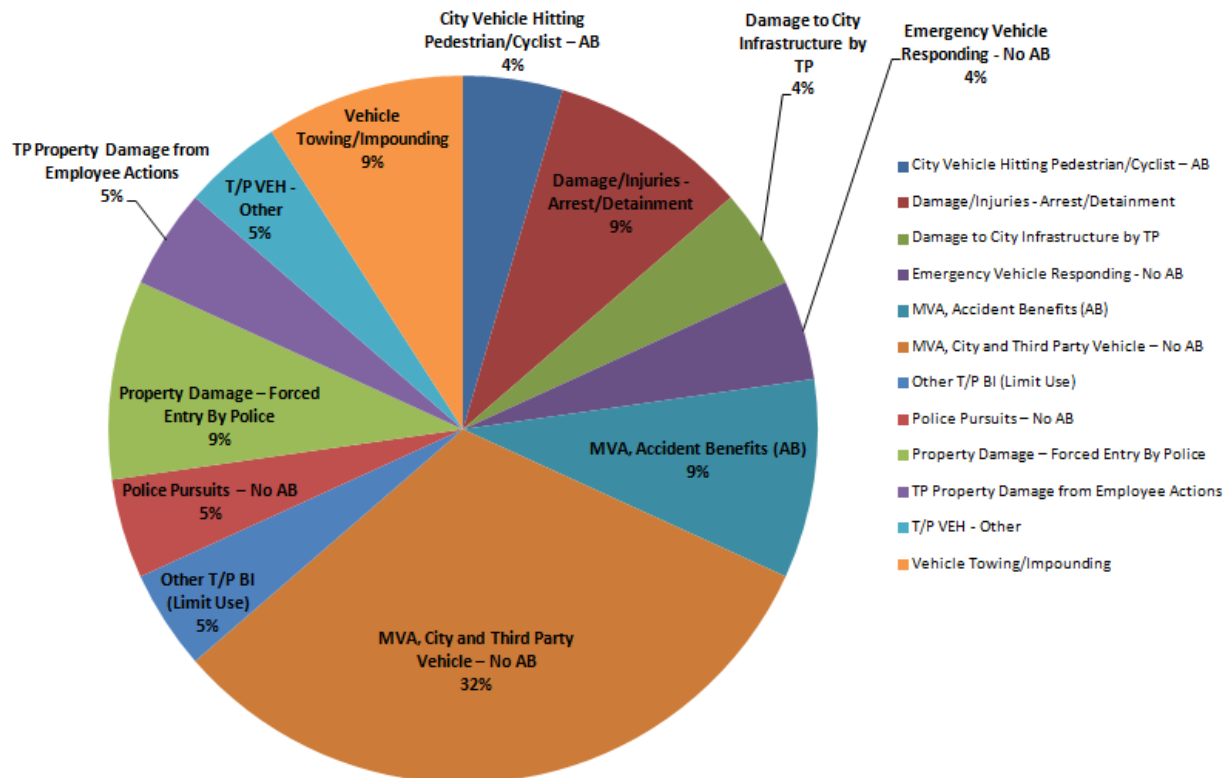
The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the third quarter 2015. As of October 1, 2015, there were 22 open non-litigated claims.

All Open Claims - Police Services - As of October 1, 2015

Claim Type	Number of Claims
City Vehicle Hitting Pedestrian/Cyclist – AB	1
Damage/Injuries - Arrest/Detainment	2
Damage to City Infrastructure by TP	1
Emergency Vehicle Responding - No AB	1
MVA, Accident Benefits (AB)	2
MVA, City and Third Party Vehicle – No AB	7
Other TP BI (Limit Use)	1
Police Pursuits – No AB	1
Property Damage – Forced Entry By Police	2
TP Property Damage from Employee Actions	1
TP VEH - Other	1
Vehicle Towing/Impounding	2
Total Number of Open Claims - Police Services	22

TP = Third Party; MVA = Motor Vehicle Accident; AB = Accident Benefits; BI/PD = Bodily Injury/Property Damage

All Open Claims - Police Services - As of October 1, 2015



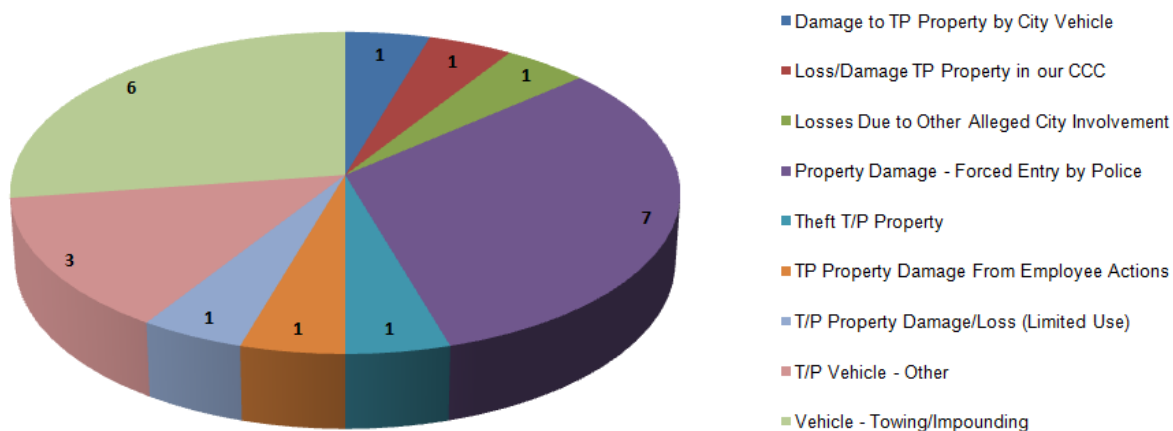
During the third quarter of 2015, eight claims were closed by the Claims Unit. Of these claims, two were denied, and six were paid.

These non-litigated claims, closed for the year-to-date at the end of the third quarter had a total of \$10,731.40 paid out in compensation. Below is the summary for number of claims and amount paid for each claim type.

Closed Police Services Claims
Date Closed Between January 1, 2015 and September 30, 2015
 As of October 1, 2015

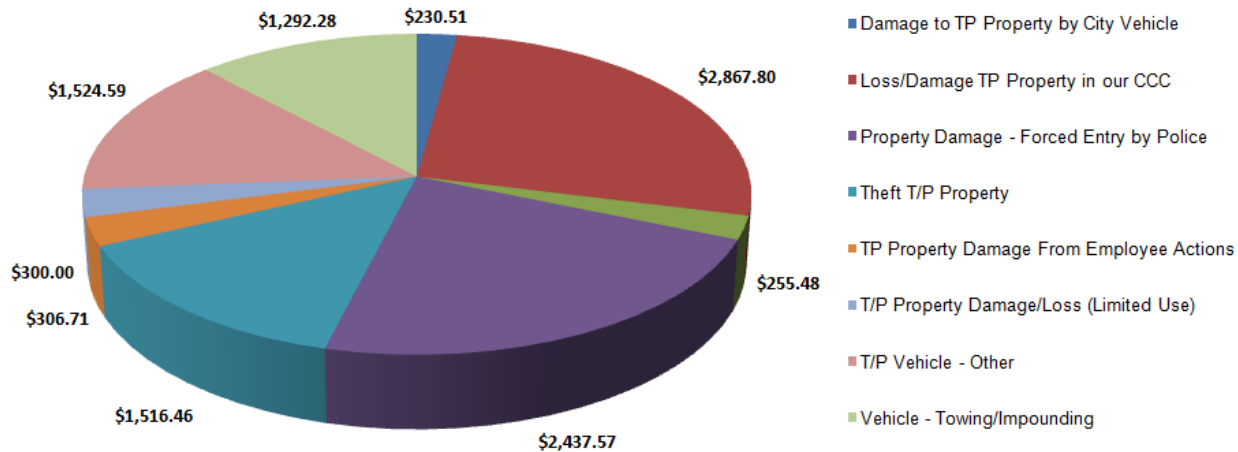
Claim Type	Number of Claims	Paid Sum
Damage to TP Property by City Vehicle	1	\$230.51
Loss/Damage TP Property in our CCC	1	\$2,867.80
Losses Due to Other Alleged City Involvement	1	\$255.48
Property Damage - Forced Entry by Police	7	\$2,437.57
Theft TP Property	1	\$1,516.46
TP Property Damage From Employee Actions	1	\$306.71
TP Property Damage/Loss (Limited Use)	1	\$300.00
TP Vehicle - Other	3	\$1,524.59
Vehicle - Towing/Impounding	6	\$1,292.28
Total - Closed Police Services Claims	22	\$10,731.40

Closed Police Services Claims - Number of Claims
Date Closed Between January 1, 2015 and September 30, 2015
 (As of October 1, 2015)



Closed Police Services Claims - Paid Sum Value of Claims

Date Closed Between January 1, 2015 and September 30, 2015
(As of October 1, 2015)



2015 Labour and Employment Law Matters

In addition to the above civil litigation claims, the City Clerk and Solicitor Department is currently managing 41 active labour and employment law matters on behalf of the Police Services Board, with 4 new files opened in the third quarter of 2015. For the year to date, 15 Police Services files for Labour and Employment Law matters have been closed. No new labour and employment law matters were outsourced in the third quarter of 2015.

SIGNIFICANT ISSUES

There were no significant issues to report in the third quarter of 2015.

CONSULTATION

As this report was administrative in nature, consultation was not required.

FINANCIAL STATEMENT

As presented in this report.

CONCLUSION

It is anticipated that the 2015 year-end report will be presented to the Board at its January 2016 meeting.

(Original signed by)

M. Rick O'Connor
Board Solicitor